HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.18700 of 2007

5.9.2007

Between

Smt.Gurram Siva Parvathi and others ..Petitioners

AND

The Sub Divisional Magistrate and Revenue Divisional Officer, Guntur ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.18700 of 2007

This writ petition has been instituted seeking the following relief:

> "… I pray that this Hon'ble Court may be pleased to issue a writ or order, more particularly one in the nature of writ of mandamus, or any other appropriate writ declaring the action of the1st respondent in passing the impugned order vide Rc.No.275/07B, dated 13.7.2007 wherein under he ordered closure of petitioners' lodges viz., 1) Vijetha Lodge 2) Nandini lodge and 3) Sri Lekha lodge respectively situated in Dr.No.13-8-97, 13-8-105 & 9-4-87 respectively in Guntur City, without there being any notice as contemplated under Section 18 of Immoral Traffic (Prevention) Act, 1956 as illegal, arbitrary, violative of Constitutional provisions and against all cannons of fair play and natural justice and consequently set aside the same in respect of petitioners' lodges are concerned and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice".

However, the learned counsel for the petitioners – Sri Seetharam Chaparla submits that to enable the Sub-Divisional Magistrate and Revenue Divisional Officer, Guntur, first respondent herein, to take action considered appropriate in

terms of the proviso to Section 18(1) of the Immoral Traffic (Prevention) Act, 1956, the writ petitioners be granted liberty to submit a representation demonstrating that the writ petitioners who are owners of the premises, are innocent of the illegal activities carried on by their tenants. Such liberty is granted to the writ petitioners and if the writ petitioners do submit any such representation within one month from today with all necessary material to establish their bonafides and innocence, the Sub Divisional Magistrate, Guntur will consider and examine the same and pass appropriate orders in terms of the proviso to Sub- Section (1) of Section 18 of the said Act within a further period of two months thereafter.

With this, the writ petition stands disposed of. No costs.

_____

NOOTY RAMA MOHANA RAO.J.

5.9.2007
psr